

REMARKS

Prior to the present amendment, claims 1-3 and 5-19 were pending in the present application. By the present amendment, claims 5-19 have been canceled. Therefore, claims 1-3 are pending in the present application. Claim 1 has been amended and support for the claim amendment can be found, *inter alia*, on page 37, last paragraph; page 46 lines 4-6 and lines 7-10.

Claims 1-3 stand rejected under 35 U.S.C. 103(a) as being allegedly rendered obvious by U.S. Patent No. 5,462,779 to Misiano ("Misiano"); U.S. Patent No. 5,378,506 to Imai ("Imai"); and JP 06-330318 to Matsuda ("Matsuda").

Claims 1-3 now recites "plural characteristic X-ray measuring means" and "control means in communication with the plural characteristic X-ray measuring means for controlling an evaporation condition for the inorganic oxide layer based on thickness measurement data of the inorganic oxide layer measured by the plural characteristic X-ray measuring means to thereby cause the maximum thickness of the inorganic oxide layer" "to be less than 1.5 times the minimum thickness of the inorganic oxide layer." Applicants submit that none of the references cited against claims 1-3 teach or suggest these claim limitations. Specifically, Misiano does not describe any control mechanism, let alone a control mechanism that controls an evaporation condition of the inorganic oxide layer based on thickness measurement data measured from the plural characteristic X-ray measuring means, as recited by claims 1-3. With respect to Imai and Matsuda, neither describe controlling conditions for evaporation based on plural film thickness data from "plural characteristic X-ray measuring means" as recited by claim 1-3 that are particularly employed for the purpose of controlling evaporation conditions.

For at least these reasons, Applicants submit that claims 1-3 are not anticipated or rendered obvious by Misiano, Imai, or Matsuda and Applicants request withdrawal of these rejections.

CONCLUSION

It is respectfully submitted that the present application is now in condition for allowance, which action is respectfully requested. The Examiner is invited to contact

PATENT
09/500,132
11197/1

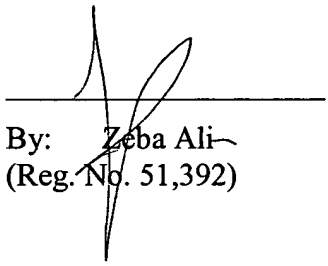
Applicants' representative to discuss any issue that would expedite allowance of the subject application.

Any fees for extension(s) of time or additional fees are required in connection with the filing of this response, such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is authorized to charge any such required fees or to credit any overpayment to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

Dated: Sept 10 2007

By: 
(Reg. No. 51,392)

1500 K Street, N.W.
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201